

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

20-CR-1219 JB

BLAINE MORGAN,

Defendant.

EMERGENCY REQUEST FOR HEARING

Blaine Morgan, through counsel, respectfully requests that the Court set his Motion for Review and Amendment of Detention Order (doc. 23) for hearing at the previously-scheduled date and time, 9:30AM on July 31, 2020, by video-conference or in his absence.

The previously-scheduled hearing was vacated in response to the US Marshals Service's notice to the Court and parties that Mr. Morgan could not or would not be transported to the video court area at the Cibola County Correctional Center due to the outbreak of COVID-19 at the jail. However, defense counsel has learned that despite the "lockdown" at CCCC prisoners continue to be transported within the facility for attorney-client visits, and perhaps for video court as well. At least for attorney visits, this is true even for prisoners who have recently tested positive for COVID-19. As of this writing the results of Mr. Morgan's COVID-19

test results have not been returned.

Regardless of his COVID-19 status, Mr. Morgan would be able to quarantine in an RV on the property where he proposes to be released. As of yesterday, Mr. Morgan was not experiencing and has not previously experienced any COVID-19-like symptoms. He is not receiving any special treatment or monitoring related to COVID-19.

Mr. Morgan has continuously been in segregation in an intake-quarantine housing unit since his arrival at the jail. Given the scale of the outbreak at the jail—with approximately half of all USMS prisoners having tested positive for the illness so far—the possibility that he may not have contracted the illness makes it especially urgent that the Court consider his release and limit his exposure to others who have been infected.

In an effort to facilitate a hearing on his Motion, Mr. Morgan has submitted a waiver of his appearance (doc. 28).

Mr. Morgan respectfully requests that the hearing on his Motion be set on the date and time originally scheduled, or otherwise at the earliest possible time given the risk that delay may jeopardize his health and safety.

Respectfully submitted,

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By: /s/ Hans Erickson
HANS P. ERICKSON
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